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IN THE MATTER OF THE CLAIM OF:

SHARONANN GILDEA,

Claimant,

-against-

POLICE OFFICER JASON WRIESKE, NASSAU COUNTY POLICE DEPARTMENT, SEVENTH PRECINCT, 3636 MERRICK ROAD, SEAFORD, NEW YORK 11783;
POLICE OFFICER LUE DOBBS, NASSAU COUNTY POLICE DEPARTMENT, SEVENTH PRECINCT, 3636 MERRICK ROAD, SEAFORD, NEW YORK 11783; NASSAU COUNTY POLICE DEPARTMENT, SEVENTH PRECINCT, 3636 MERRICK ROAD, SEAFORD, NEW YORK 11783;
COUNTY OF NASSAU, COUNTY EXECUTIVE, 1550 FRANKLIN AVENUE, MINEOLA, NEW YORK 11501;
and COUNTY OF NASSAU, NASSAU COUNTY ATTORNEY,
1 WEST STREET, MINEOLA, NEW YORK 11501,

Respondents.

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One West Street
Mineola, New York

December 18, 2018
2:15 p.m.

50-h HEARING of SHARONANN GILDEA, the Claimant herein, taken by the attorney for Respondents, pursuant to Section 50(h) of the General Municipal Law, held at the above-mentioned time and place, before Claudia DiStefano, a Notary Public of the State of New York.

ORIGINAL

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2 A P P E A R A N C E S:

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4 RATSENBERG & ASSOCIATES, P.C.
5 Attorneys for Claimant
2579 East 17th Street, Suite 51
Brooklyn, New York 11235

6 BY: STEPHANIE G. OVADIA, ESQ.

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JARED A. KASSCHAU, ESQ.
10 OFFICE OF THE NASSAU COUNTY ATTORNEY
11 Attorneys for Respondents
One West Street
Mineola, New York 11501

12 BY CALLAN W. TAUSTER, DEPUTY COUNTY ATTORNEY
13 File No. 18X88460

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2 S H A R O N A N N G I L D E A, after having
3 first been duly sworn by a Notary Public of
4 the State of New York, was examined and
5 testified as follows:

6 EXAMINATION BY

7 MS. TAUSTER:

8 Q Would you please state your name for
9 the record?

10 A Sharonann Gildea.

11 Q What is your present home address?

12 A [REDACTED]

13 [REDACTED]

14 MS. TAUSTER: Good morning, Ms.
15 Gildea. My name is Callan Tauster, and I am
16 a Deputy County Attorney with the Nassau
17 County Attorney's office.

18 I'm going to be asking you a series
19 of questions about the incident that
20 occurred in March of 2017.

21 Before we begin, just a few
22 housekeeping issues. Your attorney may have
23 already gone over this with you. First is
24 to please wait for me to finish my question
25 prior to answering. That way the court

1 S. Gildea

2 reporter can get a clear record and two
3 people aren't talking at one time. I know
4 sometimes you can anticipate what you think
5 I'm going to ask, but I just ask that you
6 wait.

7 All of your responses need to be
8 verbal, no nodding or shaking of the head,
9 no hand gestures. That way the court
10 reporter can get everything down.

11 If you need a break at any time, just
12 let me know and I will be happy to
13 accommodate you.

14 And if you don't understand a
15 question, just let me know and I'll be happy
16 to try to rephrase it in a different manner.
17 Okay?

18 THE WITNESS: Okay.

19 Q The first one is an easy one. What's
20 your name?

21 A Sharonann Gildea.

22 O Are you known by any other name?

23 A No.

24 Q Your date of birth? But before you
25 answer, we are only going to put the year of your

1 S. Gildea

2 birth on the record. You can tell me the whole
3 birthday, but the court reporter is only going to
4 put down the year.

5 A XX/XX/68.

6 Q And your Social Security number? But
7 same as before. We're only going to put the last
8 four digits on the record.

9 A Okay. XXX-XX-8393.

10 Q And I apologize for asking this. I
11 ask everyone. Are you presently taking any
12 medication that might affect your ability to answer
13 the questions I'm asking today?

14 A No.

15 Q Have you ever been a plaintiff in a
16 lawsuit before?

17 A Have I ever been a plaintiff? Yes, I
18 have.

Q What was the nature of the claim?

20 MS. OVADIA: Objection. But I'll let
21 her answer.

22 A It was a car accident.

23 Q When was this?

MS. OVADIA: If you recall,

25 A I cannot recall.

1 S. Gildea

2 MS. OVADIA: If you don't recall, you
3 can say you don't recall.

4 Q Do you recall who you sued?

5 A Kevin something.

6 Q Do you recall the outcome of your
7 lawsuit?

8 A Yes.

9 Q What was it?

10 A I was awarded \$25,000.

11 Q It went to trial?

12 A It did not. They settled.

13 Q Do you recall what venue, and by that
14 I mean what court you brought your lawsuit in? Was
15 it in Supreme Court of Nassau or another court?

16 A I know I had to go out to Riverhead
17 at some point.

18 Q If you don't know, you don't know.

19 That's fine.

20 MS. TAUSTER: I'll just leave a space
21 in the transcript if you do recall any more
22 details.

23 MS. OVADIA: I'll take that under
24 advisement. If she recalls, we'll put it
25 into the transcript.

Rober

1 S. Gildea

2 INSERT:

3 Q Where do you reside?

4 A

5 Q What is the full address?

6 A

7

8 Q How long have you resided there?

9 A Five, six years.

10 Q Does anyone else reside there with
11 you?

12 A My daughter.

13 Q What is her name?

14 A K.G.

15 Q How old is she?

16 A Seventeen.

17 MS. TAUSTER: So since she's under
18 eighteen, we're just going to put her
19 initials on the record.

MS. OVADIA: You beat me to it.

21 Q What is your highest level of

22 education?

23 A I am a year away from my bachelor's
24 in criminal justice.

S. Gildea

1 A No.

2 Q Where did you go to college?

3 A University of Phoenix.

4 Q When did you start there?

5 A 2003, 2002. I don't even know. I

6 don't really --

7 Q When was the last time you attended

8 there?

9 A 2006.

10 Q Are you currently employed?

11 A I do work part-time. I work about

12 ten hours at the Babylon Burger Bar.

13 Q Where is that located?

14 A In Babylon.

15 Q Do you recall what street or --

16 A One West Main Street.

17 Q What is your position there?

18 A I do desserts.

19 Q You make the desserts?

20 A Yes.

21 Q How long have you worked there?

22 A Five months.

23 Q Who was your employer, if you did

24 have one, in March of 2017?

1 S. Gildea

2 MS. OVADIA: Are you referring to at
3 the time of the accident?

4 MS. TAUSTER: Yes.

5 MS. OVADIA: At the time of the
6 accident she's asking you.

7 A All Star Chimney.

o Have you ever been in the military?

9 A No.

10 Q Putting aside the arrest that
11 occurred in March of 2017, have you ever been
12 arrested at any other time?

13 A I have.

14 Q When were you first arrested? Or
15 when was your first arrest, I should say.

16 MS. OVADIA: You're assuming that
17 there's more than one arrest. So when was
18 your first arrest or when were you arrested?

19 MS. TAUSTER: She testified that
20 there was another arrest.

21 MS. OVADIA: You're talking another
22 arrest as far as other than the arrest that
23 we're here for.

24 MS. TAUSTER: Yes.

25 MS. OVADIA: Okay. I just want to

1 S. Gildea

2 clarify that for the record.

3 A That was December 15th of 2016.

4 Q Where did this arrest occur?

5 A In Babylon, New York.

6 Q Which officers arrested you? And by
7 that I mean what town or --

8 A Suffolk County.

9 Q What were the charges that were
10 brought against you, if any?

11 MS. OVADIA: Objection.

12 But you can answer.

13 A Driving under the influence.

14 Q Were you ever arraigned in court?

15 A For that?

16 Q Yes.

17 A Yes.

18 Q What happened after you were
19 arraigned? Did you post bail or were you taken to
20 jail? What happened?

21 A With the December 2016?

22 Q Yes. I'm still on this, yes.

23 MS. OVADIA: Right now we're
24 discussing that situation.

25 A I was taken to jail.

1 S. Gildea

2 Q Did you have an attorney?

3 MS. OVADIA: Objection.

4 A I did.

5 (Inaudible.)

6 Q You might want to wait for a
7 question.

8 MS. OVADIA: You've got to wait for a
9 question or we're going to step outside, one
10 or the other. Those are your choices.

11 0 Did the case ever go to trial?

12 A Can you give me a second?

13 O Sure.

14 MS. OVADIA: We're going to step
15 outside.

18 BY MS. TAUSTER:

19 A No.

20 O Did you take a plea?

21 A I did.

22 MS. OVADIA: You understand what that
23 means?

24 THE WITNESS: Yeah. I took a plea
25 deal.

1 S. Gildea

2 Q What was the sum and substance of
3 that plea deal?

4 A I had to do one year --

5 MS. OVADIA: Objection. Are you
6 asking for what did she plea to or are you
7 asking the sum and substance of the plea?

8 MS. TAUSTER: I'll take them
9 separately.

10 Q What did you plea to?

11 A I pleaded to driving while impaired.

12 Q What was the sentence?

13 A One year at TASC.

14 Q Anything else?

15 A And a \$500 fine.

16 Q Did you comply with both of those
17 conditions?

18 A And the breathalyzer in my car for a
19 year.

20 Q Did you comply with those conditions?

21 A I did.

22 Q Just to clarify, you never served any
23 time in jail other than prior to -- other than after
24 your arraignment, correct?

25 A Correct. Prior to my arraignment.

1 S. Gildea

2 Q Prior to your arraignment. I'm
3 sorry.

4 And I asked you if you had an
5 attorney. But who was your attorney at the time?

6 MS. OVADIA: You want his name?

7 MS. TAUSTER: Yes.

MS. OVADIA: His name or her name.

9 A Okay. I had an attorney, but I fired
10 him, Ed White.

11 MS. OVADIA: Who was the attorney who
12 represented you for this matter?

13 THE WITNESS: Michael Francez,
14 F-R-A-N-C-E-Z.

15 Q In addition to this December 2016
16 arrest and then the arrest that is mentioned in the
17 Notice of Claim, were you ever arrested for any
18 other incident?

19 A No.

Q Were you arrested on March 22, 2017?

21 A Was I arrested on -- yes. I had to
22 think about the date. I'm sorry.

23 Q For what were you arrested?

24 MS. OVADIA: If you know.

25 A Aggravated harassment in the second

1 S. Gildea

2 degree and terrorism.

3 Q I understand this is going to call
4 for a narrative, but what occurred on March 22, 2017
5 that led to your arrest, that you know of?

6 MS. OVADIA: Objection, unless you're
7 going to let her tell her entire story.

It's a question requiring a narrative.

9 She's willing to tell you the story, but I
10 don't want her to rush it.

11 MS. TAUSTER: No, she can tell me the
12 story.

13 A Okay. It's going to take a little
14 bit.

15 Q Well, take me up to the point of your
16 arrest.

17 MS. OVADIA: She's asking you up to
18 the point of arrest what went on.

19 A I met a guy, the wrong guy, who
20 conned me. I dated him for six months, didn't know
21 his real name till two days before I was arrested.

22 He had stolen -- I'm sorry. He had
23 taken \$10,000 from me in the guise of theft by
24 deceiving me. He told me he was opening -- flipping
25 a pizza place. He took me to this empty pizza

1 S. Gildea

2 place. He called the real estate agent, told me
3 that him and his friends were going to flip it, fix
4 it up and flip it. He wanted to know if I would
5 invest \$10,000 in it. And at first I said no, but
6 he continued to ask me and I finally said yes,
7 because I was worried about my daughter's Sweet
8 Sixteen party.

9 Originally I said no and he kept
10 asking me. And I said yes, only because I was
11 nervous about because as a single parent my
12 daughter's Sweet Sixteen was coming up the following
13 April. He told me well, it was only going to take
14 them six months. They were going to flip it and
15 they were going to sell it. And he told me that I
16 was going to make \$800 a month and then when they
17 flipped it and sold it in April that I would get
18 \$20,000 back.

19 So, you know, that arrest, that first
20 arrest, happened two weeks after I had given him the
21 \$10,000. The night of my first arrest was a
22 Christmas dinner for the people that I worked with
23 and he was supposed to meet me that night.

24 And I believe he -- I believe he
25 drugged me that night. I have no memory of that

1 S. Gildea

2 night whatsoever. But something happened to me that
3 night. When I arrived -- I went there to the place
4 in a cab. I actually came home in a cab. I put on
5 my pajamas. An altercation happened in my house.
6 My bathroom mirrors, pictures, shower curtain, my
7 bedroom, you could tell there was a fight. There
8 was a strange jacket on my bed that I have no idea
9 about.

10 I flipped out, apparently, in the
11 First Precinct, Suffolk County Precinct. I didn't
12 know this until three months after my arrest, that I
13 had either accused the officer --

14 MS. OVADIA: She wants to know about
15 the second. You're talking about --

16 Q I think you're going back to the
17 first.

18 A No, no, to the second.

19 MS. OVADIA: That's unnecessary.

20 A Okay. So I confronted him, going
21 back to the second arrest, I confronted him, because
22 I really wasn't trusting him and I started saving
23 all my text messages and recording all our phone
24 conversations and I told him that I wanted that
25 \$10,000 back and I told him that I wanted him to put

1 S. Gildea

2 it in writing. And he took me -- when I had that
3 conversation with him, he said, okay we'll meet
4 later tonight.

I didn't believe him, so I went back
to the pizza place that he had taken me to and I
started asking questions. And that pizza place told
me that the guy was a con artist and they sent me to
a couple other pizza places, one which was the pizza
place which was -- Rose -- what was it? Angelina's
pizza place. That was the pizza place that I was
accused of threatening to blow up.

13 So while I was going to these pizza
14 places asking questions, somebody must have called
15 him and told him you've got this girl asking
16 questions about you.

17 So when he called me and I told him
18 that I -- I'm giving you a real short version here.
19 He wanted to meet me that night. And I said fine,
20 I'll meet you back at my house.

21 Then my girlfriend was in the car
22 with me, and he must have been following me, because
23 he knew that my girlfriend was in the car with me,
24 and I lied and said that she wasn't.

25 Somehow got to my house, ran in

1 S. Gildea

2 through the garage, so if he was following me he
3 couldn't see my girlfriend getting out of the car.

4 That was March 15th.

5 He walked around my whole house
6 looking for somebody. He couldn't find anybody.
7 She was hiding in my daughter's closet. And then me
8 and him went into my bedroom, where he started
9 screaming at me and fighting with me. He was
10 choking me. He threw me up against the wall. And
11 he was asking me questions about who sent me to
12 these pizza places and who did I think that I was
13 and I talk too much and I need to keep my mouth
14 shut, yadda, yadda, yadda.

At that point, my daughter's in the next room, so I didn't want her to hear him hitting me or arguing with me, so I decided to go to the diner with him.

19 So we went to the diner, and at the
20 diner, again, I thought he was going to jump over
21 the table and strangle me, but we came up with a
22 plan that he was going to sign a promissory note and
23 we would meet the next day. At that point, you
24 know, I said that's it, you know. We came up with a
25 plan to separate, break up, and he was going to sign

1 S. Gildea

2 a promissory note and we were going to go our
3 separate ways.

6 MS. OVADIA: Just give her the facts,
7 please.

8 A His phone was not on for a couple of
9 days, and then his phone went back on, I believe, on
10 March 21st. And the person who owned the first
11 pizza place, Mario, called me to tell me that his
12 phone was back on. So I called him and I sent him
13 some text messages, and I recorded our
14 conversations, where he actually admits on those
15 conversations, you know, that he gave me the -- what
16 exactly he said to me about the money.

22 On the 22nd, which I believe was a
23 Wednesday, I was just leaving my job and I was
24 pulling out of my car and I went to pull out of --
25 where the building is there's a long driveway, so

1 S. Gildea

2 it's all sides, then a long driveway. I was getting
3 ready to pull out of the parking lot and a cop car
4 kind of pulled right up to my nose, blocking me from
5 pulling out.

6 Q I'll stop you right there. I'm going
7 to ask you some questions about what you just told
8 me about and then I'll get to the actual details of
9 the arrest.

13 A Okay. Lawrence Timms.

14 Q How do you spell his last name?

15 A T-I-M-M-S.

16 Q What was the name of the pizza place
17 he wanted you to invest in?

18 A Allison's.

19 Q Where is that located?

20 A That is located in Levittown.

21 Q Do you know on what street?

22 A I could see it my head. I don't know
23 if it's on Jerusalem or around the corner from
24 Jerusalem.

25 MS. TAUSTER: I'm just going to leave

1 S. Gildea

a space in the transcript if you recall
where it's located.

4 MS. OVADIA: Taken under advisement.

If we're able to, we'll provide it to you.

6 TNSERT:

7 Q It sounds as though some time passed
8 between all these different altercations and the
9 arrest actually taking place.

10 The physical fight in your home, the
11 verbal and physical fight, when did that occur?

12 A That was March 16th, March 15th or
13 16th.

14 Q of 2017?

15 A Correct.

16 Q What is the name of your friend who
17 was in your house and who witnessed this?

18 A Roseanne Luongo, L-U-O-N-G-O.

19 Q And you made reference to recorded
20 phone calls and text messages. Do you still have
21 those --

22 A I do.

23 Q -- items?

Where are they located right now?

25 A I have a couple -- I have a phone, so

1 S. Gildea

2 everything is still in the phone itself. I have a
3 couple of CDs. I have it all transcribed in my
4 girlfriend's computer.

5 MS. TAUSTER: We would just request
6 that all of that just be preserved and leave
7 it in its original state.

8 If the need comes later for us to get
9 copies of those, we would just like you to
10 preserve that.

11 MS. OVADIA: Again, taken under
12 advisement, and if we can we will provide.

13 Q That conversation at the diner that
14 you referenced where he was going to sign a
15 promissory note, that took place on March 21st?

16 A No. That took place on March 15th or
17 16th, the same night.

18 Q Then you made subsequent phone calls
19 to him on March 21st, correct?

20 A I made calls to him, because at that
21 point we were still together. Several times, couple
22 times over the next couple of days just because his
23 phone was -- he wasn't answering his phone and his
24 phone was off.

25 O What was the substance of those

1 S. Gildea

2 conversations? By that I mean what did you discuss?

3 A We discussed -- he was very pissed
4 off at me that I had gone investigating and asking
5 about him. And he had said to me -- oh, this is
6 really going to get -- okay, so if I could stop for
7 just a second right there.

8 Q Well, we're still on the record,
9 though.

10 MS. OVADIA: This is not a
11 conversation. I don't know if that's
12 necessarily in response to her question.
13 Let's kind of respond to her questions.

14 I don't know if that was a question
15 you might have had or we're off the track
16 again.

17 Q Was the substance of the conversation
18 the return of your money?

19 A It did have -- yes. It was -- it had
20 -- the return of the money, but there were some
21 threats there too.

22 Q Threats made by who?

23 A By him. He wanted to at one point
24 meet me on -- he wanted me to meet him on the Long
25 Island Expressway and he had said to me many times

1 S. Gildea

2 that he could make my body disappear and nobody
3 would ever find it.

4 Q Did you make any threats to him
5 during those phone calls?

6 A Yes, I did.

7 0 What were those threats?

8 A Those threats that I was going to
9 call the police and the FBI and I was going to turn
10 him in for fraud and for being a con man and for
11 anything else that I could think of that he had done
12 to me.

13 Q Let's go back to the actual moment of
14 your arrest. Where were you when you were arrested?

15 A In the parking lot outside my job.

16 Q And this was at, I'm sorry, let me go
17 back. This was at All Star Chimney?

18 A Correct.

19 Q Where was that?

20 A 25 West Jefrynn, J-E-F-R-Y-N.

21 0 Is that street or avenue?

22 A I believe it's West Jefry Street.

23 Q In what town?

24 A Deer Park, New York.

25 O What was your position with All Star

1 S. Gildea

2 Chimney at that time?

3 A I was a telemarketer.

4 Q How long had you been with them at
5 the time of your arrest?

6 A I worked for them on and off for a
7 few years. I would say probably about five years.
8 But at that moment I was employed for him a couple
9 of months.

10 O So what officers came to arrest you?

11 By that I mean what vicinage or town were they from?

12 A They were from Nassau County.

13 0 How many officers came?

14 A Two. They were detectives.

15 Q Do you know what precinct they were
16 from?

17 A He told me, but I don't remember. I
18 know it was in Seaford.

19 Q What did the officers say to you?

20 A They needed to speak to me in regards
21 to a complaint.

22 Q Did they want to have that
23 conversation there or did they want that
24 conversation to take place back at the precinct?

25 A They wanted to talk to me there.

1 S. Gildea

2 Q Did they tell you anything else at
3 that time?

4 A They told me that there was a
5 complaint that was filed that I threatened to shoot
6 somebody and blow up a pizza place.

7 O What did you say to the officers?

8 A That that was not true and I tried to
9 tell him.

10 O Tell him what? I'm sorry.

11 A The bits of -- tried to tell him the
12 story.

13 MS. OVADIA: When you're say, you're
14 saying the story you just told.

15 Q The narrative that you described to
16 me.

17 A Correct.

18 Q Do you recall the names of the
19 detectives that you spoke with?

20 A Officer Dobbs -- I'm sorry, Detective
21 Dobbs and Detective Wrieske, which I believe starts
22 with a W.

23 Q Did the officers listen to your
24 version of the events of that telephone
25 conversation?

1 S. Gildea

2 A No.

3 Q What happened next?

4 A They told me what he had said. And
5 when I said that, as I said to you, you asked me did
6 I threaten him, they asked me if I threatened him
7 and I said yes, I did, and I threatened to go to the
8 police. But they took I guess -- I don't know.
9 They did not believe me.

10 Q Were you arrested at that time?

11 A I was.

12 Q Were you placed in handcuffs?

13 A I was.

14 Q Where did they take you once you were
15 handcuffed?

16 A To the police station in Seaford.

17 Q How long were you at the precinct
18 for?

19 A A day.

20 Q Were you held in a holding cell?

21 A Oh, at the precinct. At the precinct
22 I was there -- I was arrested at 2 o'clock in the
23 afternoon and I didn't leave the precinct until
24 probably 8 or 9 o'clock at night.

25 O Where were you taken at about 8 or 9

1 S. Gildea

2 o'clock at night or where did you go?

3 A They then took me over to I guess a
4 holding cell.

5 Q Where was that holding cell?

6 A I could not tell you.

7 Q Was it at the precinct or was it
8 somewhere else?

9 A Somewhere else.

10 Q Did there come a time when you were
11 arraigned?

12 A Yes.

13 Q Where were you arraigned? By that I
14 mean which court?

15 A Nassau.

16 Q Possibly the District Court in
17 Hempstead?

18 MS. OVADIA: If you know.

19 Q If you know.

20 MS. OVADIA: Don't guess.

21 A (No response.)

22 Q What charges were brought against
23 you?

24 A Aggravated harassment in the second
25 degree.

1 S. Gildea

2 Q Any other charges?

3 A I believe they dropped the terrorism
4 charge.

5 Q But at that time they brought the
6 terroristic threats charge, correct?

7 A That's what I was told.

8 Q Do you know when they dropped the
9 terroristic threats charge?

10 A No.

11 Q Were you represented by an attorney
12 at that time?

13 A Legal Aid.

14 Q Do you recall which attorney at Legal
15 Aid?

16 A Yes.

17 Q What was the name of that attorney?

18 A Paul Mangle.

19 Q What happened following your
20 arraignment?

21 A Following my arraignment --

22 Q Did you post bail? Were you sent to
23 jail?

24 A I was released on my own

25 recognition.

1 S. Gildea

2 Q Did you ever spend any time in jail
3 other than the period in the holding cell? Did you
4 spend any time in confinement as a result of this
5 incident?

6 MS. OVADIA: Objection.

7 I want a clarification on
8 confinement, because first you said jail and
9 now you're saying confinement and
10 confinement can be the car ride from the
11 jail to the arraignment.

12 MS. TAUSTER: Understood.

13 Q Other than the holding cell, were you
14 ever in jail of any kind?

15 MS. OVADIA: And again, when you say
16 jail you're talking about bars.

17 MS. TAUSTER: Yes.

18 MS. OVADIA: An actual place with
19 bars.

20 MS. TAUSTER: Yes.

21 A I was with a group of girls and a
22 group of guys on that -- it was jail.

23 MS. OVADIA: But she's asking you
24 specifically how long.

Q After you were in the holding cell,

1 S. Gildea

2 did you ever spend any point in jail?

3 A No.

4 Q Did the District Attorney's office
5 ever discuss a plea bargain with you?

6 A They did.

7 0 Did you take a plea bargain?

8 A No.

9 Q What happened next with the charges
10 that were brought against you? Did you go to trial
11 on those charges?

12 A I did.

13 Q In what court? Do you recall?

14 A Nassau -- Hempstead, 99 Main Street.

15 Q District Court?

16 One thing I forgot to ask before:

17 Was anyone else charged in connection with this
18 incident? Were you the only one who had charges
19 brought against them?

20 A Yeah, I was the only one charged.

21 Q Did Legal Aid continue to represent
22 you during your trial?

23 A Yes, he did.

24 MS. OVADIA: Listen to the question.

25 During the trial, did Legal Aid represent

1 S. Gildea

2 you?

3 THE WITNESS: Yes.

4 MS. OVADIA: At trial, it was Legal
5 Aid.

6 THE WITNESS: Yes.

7 Q Was Legal Aid your only form of legal
8 representation throughout the entire process?

9 A Correct.

10 Q Did you testify at the trial?

11 A I did.

12 Q Did anyone else testify at the trial?

13 A Lawrence testified at the trial.

14 Q Did he maintain that you had made
15 terroristic threats against him?

16 A He did.

17 Q Did any of the text messages or
18 recorded phone calls --

19 MS. OVADIA: Let her -- answer the
20 question.

21 A But there was other people that
22 testified

23 Q Okay, yes, please. Go ahead. I'm
24 sorry. Anyone else?

25 MS. OVARTA: Off the record.

1 S. Gildea

2 (Whereupon, a discussion was held off
3 the record.)

4 A The person that had the Angelina's
5 pizza place, the one that I threatened to blow up,
6 he testified.

7 Q I think your attorney would be
8 happier if you said the pizza place that you
9 allegedly threatened to blow up.

10 A The pizza place that I allegedly.
11 Okay.

12 Q What was that gentleman's name?

13 A Oh, my God. I could not tell you
14 offhand.

15 MS. TAUSTER: I know your attorney
16 will take it under advisement, but I'll just
17 leave a space in the transcript for his
18 name.

19 A I can get a hold of it.

20 MS. OVADIA: If we can get a hold of
21 it, we will provide it.

22 INSERT:

23 Q Now, did this person's --

24 MS. OVADIA: Off the record.

25 (Whereupon, a discussion held off the

1 S. Gildea

2 record.)

3 Q How many people in total testified?

4 A So it was me, Lawrence, the pizza
5 guy, the telephone communications guys, and the two
6 detectives.

7 MS. OVADIA: Both detectives.

8 A And I think maybe the private
9 investigator. I don't know if the private
10 investigator testified.

11 MS. OVADIA: Possibly the private
12 investigator.

13 Q If you recall, do you know who this
14 private investigator is affiliated with?

15 A Legal Aid.

16 Q Legal Aid. All right.

17 Going back to the gentleman who owned
18 the pizza place, did he testify that you had made a
19 terroristic threat or did not make a terroristic
20 threat?

21 A He did not testify -- okay. He did
22 not testify -- he did not testify that I made a
23 terroristic threat.

24 O How about the private investigator?

25 What was the substance of his testimony or her

1 S. Gildea

2 testimony?

3 A His testimony. I think he testified.

4 I think they just -- I can't honestly recall.

5 Q What was he --

6 A Because he did some -- Lawrence Timms
7 had made a lot of allegations and there were
8 additional trial in regards to him in Suffolk, so he
9 said a lot of things that were not true. There was
10 a lot of perjury on his end. And my private
11 investigator was able to prove most of those things
12 that he said were lies.

13 Q You said your private investigator,
14 but he was a private investigator for Legal Aid.

15 A For Legal Aid. He was part of my
16 legal team.

17 Q What did the telephone communications
18 person testify about?

19 A Which something I never denied, that
20 there were still phone calls between me and him.

21 0 How long did the trial last?

22 A Oh, God. It started on June 8th and
23 I think it ended on June 20th.

24 Q You said it started on June 8th of
25 2018?

1 S. Gildea

2 A Yeah. No -- yeah. This year.

3 Q You said it ended approximately June
4 20th?

5 A Yeah.

6 MS. OVADIA: So you said June 8th,
7 right?

8 THE WITNESS: Yeah.

9 MS. OVADIA: To the 20th.

10 THE WITNESS: 6th maybe, 6th to the
11 20th.

12 0 Somewhere in that ballpark?

13 A Yeah.

14 Q Did the jury render a verdict?

15 A They did.

16 Q What was that verdict?

17 A Not guilty.

18 Q Not guilty on all charges?

19 A On all charges.

20 Q Do you currently have any criminal
21 charges pending?

22 A No.

23 Q Before I move on to this, at any

24 point were the text messages and recorded phone

25 calls that you had in your possession submitted as

1 S. Gildea

2 evidence during your trial?

3 A They were. Some of them were. The
4 judge would not allow some of them in, because they
5 were explicit.

6 MS. OVADIA: Answer the question,

7 please.

8 Q But some of them were admissible and
9 some of them were not.

10 A Correct.

11 MS. TAUSTER: I'm just going to have
12 this marked for identification.

13 (Producing.)

14 (Respondent's Exhibit A, Notice of
15 Claim (three pages), was marked for
16 identification.)

17 Q Ma'am, I'm going to show you what has
18 been marked as Respondent's Exhibit A. Just take a
19 minute and flip through it, and let me know when
20 you're finished.

21 A (Witness complying.)

Q Have you seen this document before?

23 A I have.

24 O What is it?

25 A Notice of Claim.

1 S. Gildea

2 Q I'm just going to direct your
3 attention to page two. Is that your signature on
4 page two?

5 A That is.

6 Q Did you read this document prior to
7 signing it?

8 A I did.

9 Q Is this document true and accurate,
10 to the best of your knowledge?

11 A It is.

12 Q On this page, and by this page I mean
13 page two, paragraph four, you make reference to
14 injuries that you suffered as a result of your
15 arrest.

16 MS. OVADIA: Your health was

17 impaired, her ability to be employed --

18 Off the record.

19 (Whereupon, a discussion was held off
20 the record.)

21 Q You stated there that your health was
22 impaired. In what way was your health impaired?

23 A My sanity.

24 MS. OVADIA: No. She needs to know
25 exactly all your health.

1 S. Gildea

2 A My sanity, depression, I -- I didn't
3 get out of bed for six months. I sat in bed and
4 cried for six months. I started smoking again. I
5 lost my -- as far as the day that I was arrested.

6 0 I'll get to that.

7 Did you suffer any -- you made
8 reference to some mental and emotional health issues
9 that you had suffered. Did you have any physical
10 injuries as a result of your arrest and confinement?

11 A Yeah. I still have a lot of anxiety.

12 Q Have you ever been treated by a
13 mental health professional in connection with this
14 incident?

15 A I have.

17 A I am currently at New Horizons, but
18 prior to that I was seeing B.E.S.T., Which was also
19 part of my plea deal.

20 Q What is B.E.S.T.?

21 A B.E.S.T. is an outpatient program.

22 Q Where is that located?

23 A In Deer Park.

24 Q Was this part of your plea deal for
25 your first arrest?

S. Gildea

2 A Correct. They said I had to go in
3 some kind of outpatient program. And when I signed
4 up with B.E.S.T., I don't really have a drug
5 problem, so I volunteered to -- because I was so
6 angry over these things, I signed up and volunteered
7 to take anger management classes.

8 Q I'm just going to take them one at a
9 time.

From what period of time to what
period of time did you attend B.E.S.T.?

12 A From August of 2017 till right before
13 the trial 2018.

14 Q So June of 2018, approximately?

15 A Yes.

16 Q So about ten months. Is that
17 correct? Okay. I'm sorry. You have to say yes or
18 no. You nodded.

19 A Yes.

20 Q Where did you take anger management
21 classes?

22 A At B.E.S.T.

23 Q At B.E.S.T. Okay.

1 S. Gildea

2 outpatient program?

3 A I wasn't allowed to take any
4 medications.

5 Q You mentioned New Horizons. When did
6 you start going to New Horizons?

7 A New Horizons, I started going there
8 after the trial, because B.E.S.T. is more of a drug
9 and alcohol program and I don't need a drug and
10 alcohol program, so they referred me to New Horizons
11 for the mental health.

12 Q I don't know if I asked this. Where
13 is New Horizons located?

14 A New Horizons is in Copiague.
15 Copiague? Copiague.

16 Q And it was someone at B.E.S.T. who
17 referred you to New Horizons?

18 A Yes ..

19 Q Did you see one doctor at New
20 Horizons or was it multiple professionals?

21 A I have actually just a psych exam and
22 then I see a counselor once a week, and they will be
23 putting me into some different, I guess, classes or
24 groups and individual therapy.

25 O What are these classes and groups

1 S. Gildea

2 for?

3 A Depression, just mental health.

4 Yeah.

5 Q Did anyone at New Horizons render a
6 formal diagnosis to you?

7 A Not yet.

8 Q I'm sorry. Did you say there was a
9 specific doctor you're working with or is it all
10 these different classes?

11 A Well, okay. So the counselor that
12 they assigned me to just got up and moved, so I
13 actually have not met my new counselor. I meet her
14 tomorrow.

15 Q Okay. Who is your old counselor?

16 A Colleen, and I don't even know her
17 last name.

18 Q Is Colleen a licensed clinical social
19 worker, a psychologist? I'm just asking. What is
20 her accreditation?

21 A I believe that she is a licensed
22 therapist, but I couldn't honestly swear to that.

23 Q Has anyone at New Horizons prescribed
24 any medications to you?

25 A No

1 S. Gildea

2 Q And you said you started attending
3 after your trial, so approximately June of 2018?

4 A No, probably more like September.

5 Q I just want to direct your attention
6 to paragraph four again. Do you see where it says
7 loss of employment and your ability to -- her
8 ability to be employed was threatened and her
9 earning power impaired.

10 In what way was your earning power
11 impaired and your employment threatened?

12 A Okay. Well, I was so depressed I
13 couldn't stop crying, so I couldn't really do
14 anything. I was literally so depressed and upset
15 and I just couldn't get out of bed.

16 Q You mentioned that you had been fired
17 from All Star Chimney?

18 A I was.

19 Q Did they tell you the reason why you
20 were fired?

21 A Because he couldn't have cops coming
22 in here, arresting him and disrupting his employees.

23 Q After you were fired from the chimney
24 -- I'm sorry. What was the name of it again?

25 A All Star.

1 S. Gildea

2 Q -- All Star Chimney, how long did it
3 take you to find new employment?

4 A March 2017 -- July or August of 2018?

5 MS. OVADIA: So you're indicating
6 from March of 2017 until July or August of
7 2018.

8 THE WITNESS: Yes.

9 Q What did you do for money in the
10 interim period of time?

MS. OVADIA: Objection, irrelevant.

12 MS. TAUSTER: I do think it's
13 relevant, because she said her ability to
14 earn was threatened, so I wanted to know
15 what she was doing --

MS. OVADIA: I'll let her answer.

17 A What was the question?

18 Q The question was, what did you do for
19 wages, for money, while you were out of work?

20 A I actually borrowed money from my
21 sister, which I'm still paying her back. I really
22 just worked on my disability and my child support.
23 Yeah.

Q You're disabled?

25 A I am.

1 S. Gildea

2 Q What is the nature of your
3 disability?

4 A It's a mental health disability.

5 Q In the interim period where you were
6 unemployed from March of 2017 till July or August of
7 2017, did you search for work?

8 A Well, I wasn't allowed to drive, and
9 I had so many classes going -- no. I did not --

10 MS. OVADIA: Just answer the
11 question.

12 A No.

13 O Why weren't you allowed to drive?

14 A I didn't have a license.

15 Q Is that as a result of the DUI
16 arrest?

17 A That was.

18 Q What were you earning prior to being
19 fired from All Star Chimney?

20 A Eleven an hour.

21 Q How many hours a week were you
22 working?

23 A Fifteen or twenty.

24 Q Were you fired immediately following
25 the arrest or sometime later?

1 S. Gildea

2 A As they were slapping the handcuffs
3 on me.

4 Q When you said you were unemployed
5 until July or August of 2018, are you referring to
6 the current job that you have making desserts?

7 A Yes.

8 Q Again, I'm going to direct your
9 attention to paragraph four. It says here that you
10 suffered from loss of reputation.

11 In what way was your reputation
12 impacted?

13 A Well, let's see. We get up there and
14 at the trial he basically called me a whore and told
15 people that I was a go-around girl at the Napoli
16 Soccer Club and that he was bringing men over to my
17 house while I was -- while he was talking with my
18 girlfriend down in the kitchen and I was upstairs
19 having sex with strange men with my daughter in the
20 next room. The fact that I was arrested for
21 aggravated harassment and terrorism, so people
22 looking at me -- the community looks at me --
23 everybody just looking at me and judging me as if I
24 had done something wrong.

25 O Outside of the trial, did anyone ever

1 S. Gildea

2 say anything to you about the charges that were
3 brought against you?

4 A Yeah. I got to say something.

5 O You tell me.

6 A This weekend I was at a Christmas
7 party and somebody brought it up to me and it took
8 me for a loop, because here I am with a bunch of my
9 friends and people and I'm trying to put this behind
10 me and somebody brought this up in front of
11 everybody, which was again very embarrassing and
12 just, you know, here I --

13 Q Other than being fired by All Star
14 Chimney, was your arrest ever referenced as a reason
15 to deny you employment? And by arrest I mean the
16 March of 2017 arrest.

17 A I don't know. I was in such a frail,
18 fragile place after all this. I don't know. I
19 can't answer that question.

20 Q Just going back for a moment. You
21 had mentioned that this individual, Lawrence, he had
22 made a police report in Suffolk County and then made
23 an identical one in Nassau and you were arrested in
24 connection with the Nassau complaint, correct?

25 A Correct.

1 S. Gildea

2 Q Did anything ever come of the
3 complaint he filed in Suffolk County?

4 A Okay. So after I got out of jail in
5 Nassau, Suffolk County had just called me and they
6 said they left me a message. They were leaving me
7 messages, which I was not getting, because I was
8 already in jail in Nassau County.

9 So when I got out of jail and I
10 listened to the recent message, she said, if you
11 don't call me back and I've got to come out looking
12 for you and arrest you --

13 So I immediately went down there and
14 that officer, Officer Tom Collins, sat there with me
15 for two and a half hours and went through everything
16 with me, my photos, the text messages, the audio
17 recordings, and he came to the conclusion that he,
18 Lawrence, and his brother were lying. So now the
19 report that was filed in Suffolk County the name on
20 the report states Daniel Timms.

21 Q As opposed to Lawrence Timms.

²² As opposed to Lawrence Timms.

23 MS. OVADIA: Go off the record one
24 second.

(Whereupon, a discussion was held off

1 S. Gildea

2 the record.)

3 Q So we left off in the Suffolk County
4 complaint the name Daniel Timms was on the
5 complaint, correct?

6 A Correct. Daniel Timms is supposedly
7 the one that filed the police report.

8 Q And it's not -- I'm sorry. I just
9 want to -- it's not the alias of Lawrence Timms?

10 MS. OVADIA: Are we off the record or
11 on the record?

12 MS. TAUSTER: No, I'm sorry. We're
13 on the record.

14 A I believe it was and the cop believes
15 it was Lawrence, they look so much alike, that filed
16 the police report and used his brother's name. I
17 can't prove it.

18 MS. OVADIA: Just tell the story.

19 A The cop believes that they were
20 lying. He also believes that -- he had said to me
21 -- Tom Collins had said to me that Lawrence Timms,
22 not Daniel, Daniel is the one that filed it, but it
23 was Lawrence Timms who kept calling and harassing
24 the cop while, you know, he was trying to get me.
25 While I was in jail, the cop was trying to get me.

S. Gildea

2 It was Lawrence Timms that kept harassing the cop to
3 see whether or not he had arrested me.

4 MS. OVADIA: And you're talking about
5 in Suffolk.

6 THE WITNESS: I'm talking about in
7 Suffolk County.

8 A And the cop said to him if he
9 continued to harass him he was going to turn around
10 and arrest him.

11 Q So just to be clear, no charges were
12 ever filed against you --

13 A No.

14 Q -- as a result of that Suffolk County
15 complaint.

16 Okay. If you know, do you know the
17 outcome of Lawrence Timms's case?

18 MS. TAUSTER: Actually, withdrawn.

19 I'm sorry.

20 Q Do you know what charges were brought
21 against Lawrence Timms? You said he had his own
22 case going.

23 A What are you talking about?

24 Q I thought you had said before, I'm
25 sorry if I was mistaken, I thought you had testified

1 S. Gildea

2 before that Lawrence Timms had been -- other charges
3 were brought against him for something.

4 A It was a different trial. It was a
5 restraining order that I was trying to get against
6 him. Because he was stalking me and continuing,
7 even though he had me arrested for this incident
8 we're here for today and he told the cops that he
9 was afraid of me, the same day that I had now gotten
10 out of jail for these charges he is now stalking my
11 house and came by my house and did a gun sign to my
12 daughter as if he was going to shoot my daughter an
13 hour after I got out of jail. So if you're so
14 afraid of me, why are you stalking me.

15 Q Okay. When you said a restraining
16 order, you mean an order of protection, correct?

17 MS. OVADIA: Right.

18 Q That's what we call them usually in
19 New York is order of protection.

20 A A restrain -- I don't know. I don't
21 know

MS. OVADIA: I don't think she knows.

23 0 I just wanted to clarify.

24 A I know I wasn't allowed to go near
25 him

1 S. Gildea

2 Q When did you file for this order of
3 protection?

4 A That same day that I got out of jail
5 I called the police. So the police now came down to
6 my house. So that had to be March 23rd or March
7 24th.

8 Q Where did you file for the order of
9 protection?

10 A In Suffolk County, because I live in
11 Suffolk County.

12 Q Was it at Suffolk County Police or at
13 Family Court? Where was it?

14 A Suffolk County, Central Islip, Family
15 Court.

16 Q So you filed a family offense
17 petition against Mr. Timms seeking an order of
18 protection? If you recall.

19 A Yes.

20 Q What was the outcome of that family
21 offense petition?

22 A There is currently a stay away.

Q A temporary stay away or a permanent?

24 A It's a stay away until April of this
25 year -- 2019.

1 S. Gildea

Q Is the case still ongoing?

3 A No, I don't think so.

4 Q Do you believe it was a one-year
5 order of protection that you had against him?

6 A I do.

7 Q One year final order, I believe,
8 correct?

9 A I want to say I'm not really sure,
10 but I think.

11 Q Again, I'll direct your attention to
12 that paragraph four, where it says that one of your
13 damages or injuries claimed is expenses in defending
14 case.

15 Were you charged anything by Legal
16 Aid as a result of the representation of you?

17 A No.

18 Q Then what expenses are you referring
19 to in that paragraph?

20 A Can I have a word with my attorney?

21 Q Sure. It's okay. We can take a
22 break.

25 BY MS. TAUSTER:

1 S. Gildea

2 Q You put both cost of defending case
3 and expenses in defending case. Why don't you tell
4 me what those costs and expenses were.

5 A Going back and forth to court. I had
6 to pay Roseanne Luongo to transcribe the audio
7 recordings. I had to pay her to back everything up,
8 which is the photos, the text messages she had to
9 transfer from phone to the computer onto CDs. I had
10 to pay her -- I had to pay to get back and forth,
11 because I couldn't drive. Now I have to get back
12 and forth to court in Nassau County.

13 Q So cost of transportation you're
14 referring to?

15 A Yeah.

What would you take, taxis, Ubers?

17 A Ubers, which are not very cheap.

18 Q Roseanne Luongo, is she a court
19 reporter by trade or what does she do?

20 A She is not a court reporter. She is
21 a personal friend who is a geek. I'm so sorry.
22 Love her to death. I know her thirty-five years.

23 Q I just have a couple more questions
24 and I think that's pretty much it.

If you go to paragraph two at the

1 S. Gildea

2 top, where it says in the middle of the paragraph
3 even though Police Officer Jason Wrieske, Police
4 Officer Lue Dobbs, Nassau County Police Department,
5 and County of Nassau knew that there was no merit to
6 the continuance of the prosecution and the
7 prosecution was malicious and that the imprisonment
8 was illegal.

11 MS. OVADIA: Objection. We just
12 discussed this throughout this entire
13 deposition.

14 Don't answer it.

15 MS. TAUSTER: Off the record.

18 Q Did you ever attempt to tell the
19 Nassau County police officers about the evidence
20 that you had shown to the Suffolk County police
21 officers?

22 A I did. I waived my rights and
23 allowed them while being handcuffed to go through my
24 phone, showed them the text messages, the photos,
25 everything to back up everything that I was telling

1 S. Gildea

2 them. And they said -- their response to me was
3 that's not our job, that's for the courts to figure
4 out.

5 Q That was going to be my next
6 question, what did they say to you. All right.

I'm just going to go through it real quick and see if I have anything else for you.

9 You made reference in your Notice of
10 Claim about twenty court appearances. Do you recall
11 what the purpose was of those court appearances?

12 A Because they wanted me to take a
13 mental health test or they wanted me to take plea
14 deal and I was not taking pleading guilty or taking
15 a deal for something that I did not do.

16 MS. TAUSTER: All right. I think
17 that's everything that I have. I want to
18 thank you for your time.

19 (Time noted: 3:20 p.m.)

20 * * *

31

22

23

34

35

1

2 A C K N O W L E D G M E N T

3

4 STATE OF NEW YORK)

5 SS:

6 COUNTY OF *Suffolk*)

7

I, SHARONANN GILDEA, hereby certify that I have read the transcript of my testimony taken under oath in my deposition of December 18, 2018; that the transcript is a true, complete and correct record of what was asked, answered and said during this deposition, and that the answers on the record as given by me are true and correct.

15

16

Sharon Gildea

SHARONANN GILDEA

17

18

19

20 Subscribed and sworn to before me

21 this *21* day of *March* 2019.

22

23

Linda A. Izzo
NOTARY PUBLIC

24



25

1

2 I N D E X

3

4

5 INDEX TO TESTIMONY

6 WITNESS BY PAGE

7 S. Gildea Ms. Tauster 3

8

9

10 TO BE PRODUCED/INSERTED

11 DESCRIPTION PAGE

12 Insert court car accident lawsuit
was brought in 7

13

14 Request witness to preserve recorded
phone calls and text messages 2115 Insert name of witness who testified
from Angelina's pizza place 33

16

17

18

19 INDEX TO EXHIBITS

20 RESPONDENT'S
EXHIBITS DESCRIPTION PAGE

21 A Notice of Claim (three pages) 37

22

23

24

25

1

2 C E R T I F I C A T I O N

3

4 I, CLAUDIA DiSTEFANO, a Notary Public in and
5 for the State of New York, do hereby certify:

6 THAT the witness whose testimony is

7 hereinbefore set forth, was duly sworn by me; and

8 THAT the within transcript is a true record of
9 the testimony given by said witness. I further
10 certify that I am not related, either by blood or
11 marriage, to any of the parties to this action; and
12 THAT I am in no way interested in the outcome
13 of this matter.14 IN WITNESS WHEREOF, I have hereunto set my
15 hand this 7th day of January, 2019.

16

17

18 
CLAUDIA DISTEFANO

19

20

21

22

23

24

25



ERRATA SHEET

NAME OF CASE: _____

DATE OF DEPOSITION: _____

NAME OF DEONENT: _____

The following corrections, additions or deletions are noted for the following reasons:

PAGE	LINE	CHANGE	REASON
8	13	15-18 Hours	Because originally now More
20	22	WANTAGH AVE, CVS PRKG LOT	CONFUSED
24	22	west JEFRYN BLVD	CORRECTION
29	18	Paul Magel	Spelling
50	8	COP said to "Me" if he continues to do [redacted].	the cop - ARREST Cop said he would arrest lancee
52	24	Not stay away / Refrain from	CONFUSED

Subscribed and Sworn to Before Me
This 21 day of March, 2019.

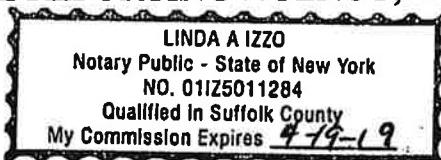
Sharon Shidea
WITNESS' SIGNATURE

Linda A Izzo
NOTARY PUBLIC

419-19

Commission Expires:

BEE REPORTING AGENCY, INC. (516) 485-2222 (212) 327-3500



LAWYER'S NOTES

Bee Reporting Agency, Inc.
COURT REPORTERS

A

ability 5:12 38:17 43:7,8 44:13
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